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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,795	07/23/2003	Kenneth L. Conaway		9016

7590 01/28/2005

Kenneth L. Conaway
1610 Avenue N
Council Bluffs, IA 51501

EXAMINER

TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/625,795

Applicant(s)

CONAWAY ET AL.

Examiner

Michael Trettel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claims 2 to 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the respective tongue-and-groove mateable configurations" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "said tongue-and-groove mateable configurations" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the tongue portion of each said tongue-and-groove mateable configurations" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said tongue-and-groove removably interlocking mattress-cornerwise intersection" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

In lines 3 and of claim 3 the phrase "at oppositely disposed at directionally transversely located endward-terminii" does not make sense and is not understood. This claim appears to have been improperly amended, since the content differs from the claim as originally presented yet the changes have not been made in accordance with Rule 121.

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Claim 9 recites the limitation "its endward-terminii" in line 15. There is insufficient antecedent basis for this limitation in the claim.

The language of lines 18 to 23 of claim 9 is difficult to understand and does not make clear sense. It is difficult to understand what is meant to be claimed by the subject matter present in these lines, since the language used is unclear at best.

In lines 10 and 14 of claim 9 --each-- should be inserted before "respectively" for clarity.

Response To Arguments

Applicant's arguments filed December 28, 2004 have been fully considered but they are not persuasive. The rejection of claims 2 to 8 and new claim 9 under §112 has been repeated again due to the ambiguous language used in the claims. In addition the status of claim of claim 1 is uncertain, because of the ambiguous statement on page 3 of the amendment stating "supercede and replace the herein non-canceled claim 1 (currently amended)". The phrase states that claim 1 is both non-canceled and replaced by a new claim, which is a contradictory position. The applicant is requested to clarify the status of claim 1, although the examiner has assumed that the claim was meant to be canceled.

This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or

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Claim 9 recites the limitation "its endward-terminii" in line 15. There is insufficient antecedent basis for this limitation in the claim.

The language of lines 18 to 23 of claim 9 is difficult to understand and does not make clear sense. It is difficult to understand what is meant to be claimed by the subject matter present in these lines, since the language used is unclear at best.

In lines 10 and 14 of claim 9 --each-- should be inserted before "respectively" for clarity.

Allowable Subject Matter

Claims 2 to 9 would appear to be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response To Arguments

Applicant's arguments filed December 28, 2004 have been fully considered but they are not persuasive. The rejection of claims 2 to 8 and new claim 9 under §112 has been repeated again due to the ambiguous language used in the claims. In addition the status of claim of claim 1 is uncertain, because of the ambiguous statement on page 3 of the amendment stating "supercede and replace the herein non-canceled claim 1 (currently amended)". The phrase states that claim 1 is both non-canceled and replaced by a new claim, which is a contradictory position. The applicant is requested to clarify the status of claim 1, although the examiner has assumed that the claim was meant to be canceled.

This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an

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appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of \$250.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

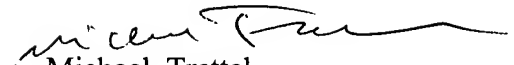
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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Michael Trettel
Primary Examiner
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